



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX

75 Hawthorne Street
San Francisco, CA 94105

DEC 16 2016

Mr. Gordon Johnson
Environmental Affairs Manager
Shell Oil Products US –Martinez Refinery
3485 Pacheco Blvd.
Martinez, CA 94553

RE: Notice of Violation
Shell Oil Products US, Martinez Refinery
EPA Identification Number: CAD 009164021

Dear Mr. Johnson:

U.S. Environmental Protection Agency (EPA) Region 9 Enforcement Division inspectors conducted a Compliance Evaluation Inspection (CEI) at the Shell Martinez Refinery (SMR) located in Martinez, California on March 23-27 and March 30, 2015. The purpose of the inspection was to evaluate SMR's compliance with the Resource Conservation and Recovery Act's (RCRA) hazardous waste management requirements, 42 U.S.C. §§ 6921-6939, and the implementing regulations; and the California Code of Regulations (CCR), Title 22, Division 4.5 and the California Health and Safety Code (HSC), Division 20; and specific Hazardous Waste Facility Permit (Permit) provisions. Under Section 3006 of RCRA, 42 U.S.C. § 6926, violations of the State of California's authorized RCRA hazardous waste management program are federally enforceable.

A copy of the RCRA CEI report is enclosed for your information and response. The CEI report describes conditions at the facility at the time of inspection, and identifies areas of noncompliance with RCRA regulations and the State of California's authorized program under RCRA Subtitle C. In addition, the report identifies other areas of concern at SMR. Please note that omissions in the CEI report shall not be construed as a determination of compliance with any other applicable regulation.

Pursuant to Section 3008 of RCRA, 42 U.S.C. § 6928, and EPA's Civil Monetary Penalty Inflation Adjustment Rule, 81 Fed. Reg. 43091 (July 1, 2016), violations of RCRA hazardous waste management requirements may be punishable by civil penalties of up to \$40,799 per day for each day such violation continues. EPA requests that you submit documentation that you have corrected each of the potential violations identified in the enclosed RCRA CEI report within **thirty (30) calendar days** of your receipt of this letter. Documentation of corrective actions taken by SMR to address the potential violations identified in the CEI report may consist of, among other things, photographs, manifests, and revised records.

Confidential Business Information: EPA regulations governing the confidentiality of business information are set forth in 40 CFR Part 2, Subpart B. EPA routinely provides copies of investigation reports to state agencies, and upon request, to the public. Such releases are handled according to the Freedom of Information Act regulations (40 CFR Part 2). If SMR believes this letter contains information entitled to treatment as confidential business information, please assert a confidentiality claim in accordance with 40 CFR § 2.203(b) within fourteen (14) calendar days from the date of receipt of this letter. Business confidentiality includes the concept of trade secrecy and other related concepts. Your claim must specifically identify the information covered by the claim and should be sent to EPA by certified mail. EPA will construe the failure to furnish a confidentiality claim within fourteen (14) calendar days from the date of SMR's receipt of this letter as a waiver of that claim and information may be made available to the public by the EPA without further notice. See 40 CFR § 2.203(a)(2).

Additionally, if SMR believes that any information in SMR's response to this letter is entitled to treatment as confidential business information, please identify any such information and assert a confidentiality claim in accordance with 40 CFR § 2.203(b) in SMR's response. EPA will construe the failure to make a confidentiality claim when the response is submitted to EPA as a waiver of that claim and information may be made available to the public by the EPA without further notice.

If EPA determines that any information over which SMR asserts a claim meets the criteria set forth in 40 CFR § 2.208, the information will be disclosed only to the extent, and by means of the procedures specified in 40 CFR Part 2, Subpart B.

If you have any questions regarding this letter and the enclosed inspection report, please contact Sharon Lin of my staff at (415) 972-3446.

Sincerely,



Douglas K. McDaniel
Chief, Waste and Chemical Section
Enforcement Division

Enclosure

cc: Maria Soria, California Department of Toxic Substances Control (w/o enclosure)
Diana Peebler, California Department of Toxic Substances Control (w/o enclosure)